IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

Bail Appl..No. 5527 of 2007()

---

CMP.4179/2007 of J.M.F.C.,KASARAGOD

.....

CRIME NO.52/2007 OF KASARAGOD EXCISE RANGE

PETITIONER/1ST ACCUSED:

---

B.S. CHANDRAN @ CHANDRASHEKHARAN.
S/O. B.S. PAKKEERAN, ALAKKA, CHENKALA VILLAGE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT & STATE:

---

1. THE EXCISE INSPECTOR,
EXCISE RANGE OFFICE, KASARGODE.

2. STATE, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

**= = = = = = = = = = = = = =**

**B.A.No.5527 of 2007**

**= = = = = = = = = = = = = =**

Dated this the 12th day of September, 2007

**ORDER**

Application for regular bail. The petitioner is the first accused. Altogether there are two accused persons. They were found to be in posession of 300 x100 ml of arrack. The petitioner was arrested on 19.08.07. He continues in custody from that date. The learned counsel for the petitioner prays that the petitioner may now be enlarged on bail subject to appropriate conditions. The learned Public Prosecutor opposes the application.

2. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. The allegations are serious. I am satisfied that this petition deserves to be dismissed now.

3. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court

or the learned Sessions Judge for bail at later stage of the investigation, not at any rate, prior to 22.09.2007. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

**(R.BASANT, JUDGE)**

sj

/TRUE COPY/

P.A.TO JUDGE